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Facsimile Cover Sheet**To:**Name: Marianne S. OcampoFirm: USPTOFax No. 703-872-9311Date: March 15, 2004**From:**Name: Peter N. JanssonPages: 30Fax No. 262-632-2257

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Confirmation Will Not Follow by MailMessage: Re: Application 09/599,269
Filing Date: June 22, 2000
First Named: Stephen W. Rose
Group Art Unit: 1723
Attorney Docket Number: OF-102US

Please deliver this communication to
Examiner Marianne S. Ocampo, Group Art
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INTELLECTUAL PROPERTY LAW AND LITIGATION
BUSINESS DEVELOPMENT, INTERNATIONAL TRADE AND TECHNOLOGY MATTERS



PTO/SB/21 (08-03)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/599,269
	Filing Date	June 22, 2000
	First Named Inventor	Rose et al.
	Art Unit	1723
	Examiner Name	M. Ocampo
Total Number of Pages In This Submission	Attorney Docket Number OF-102US	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ Remarks	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration of Ernie Mayer

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Peter N. Jansson, Reg. No. 26,185 Jansson, Shupe & Munger, Ltd. 245 Main Street, Racine, WI 53403
Signature	
Date	March 15, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Stephen W. Rose

Serial No. 09/599,269

Filed: June 22, 2000

Title: ANNULAR PLEATED FILTER CARTRIDGE
FOR LIQUID FILTRATION APPARATUS

Group Art Unit: 1724

Examiner: Marianne S. Ocampo

OFFICIAL

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Commissioner for Patents

P.O. Box 1450

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RESPONSE UNDER 37 CFR §1.116

Sir:

Applicant submits this Response to the PTO Action of December 11, 2003 -- a final rejection. Applicant believes that, in view of the nature of the PTO action, the additional information provided with this Response places this application in condition for allowance. A one-month extension fee is paid (see authorization at the end of this paper).

Claims 1-4, 6-7, 9-15, 17-25, 27 and 29-31, as currently pending, are listed below. In the PTO action, the Examiner continued the rejection of the prior PTO action -- based on Gsell et al. in view of Marshall et al. A brief summary of applicant's present Response is given here:

- In dealing with applicant's response of September 8, 2003, the Examiner noted (at pages 17-18) that she "agrees [with applicant] that Gsell et al. have disclosed or taught a filter material which is thicker (i.e., 17 times thicker) than what is claimed [by applicant]" Applicant thanks the Examiner for this significant acknowledgment.
- In dealing with applicant's argument that Dr. Mayer's earlier declaration (November 28, 2001) is strong evidence of the unobviousness of applicant's claims -- because it

In re Patent Application Serial No. 09/599,269
Response dated March 15, 2004
Reply to Office Action of December 11, 2003

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lays out a factual basis for the unobviousness of combining Marshall et al. with prior art annular pleated filter cartridges that use typical non-woven materials (like that of Gsell et al.), the Examiner states that she finds such argument "not persuasive"; i.e., she discounts such Mayer declaration by stating (at page 17):

"[S]ince the material disclosed by Marshall et al. is not the TYVEK material which has been discussed by the Mayer declaration, arguments which pertain to this TYVEK material are deemed not material."

The Examiner's assertion about the Marshall et al. material is incorrect. The material of the Marshall et al. invention is precisely the TYVEK material which has been discussed by the earlier declaration of Dr. Mayer. Thus, contrary to the Examiner's assertion, such Mayer declaration is indeed material to the present rejection.

- A "Supplemental Declaration of Ernest Mayer," submitted herewith (to which a copy of his first declaration is attached), clears up that question by showing that the material of Marshall et al. invention is in fact what Dr. Mayer and applicant's arguments have referred to during prosecution of this application. In addition, such supplemental Mayer declaration directly and specifically supports applicant's arguments concerning the unobviousness of applicant's claims in the face of the rejection based on Gsell et al. (a typical non-woven annular pleated filter cartridge) in view of Marshall et al.
- Applicant gives further fact- and law-related arguments showing why this application should be allowed. Applicant's claimed invention is *not* obvious over the cited art.

Applicant's claims are set forth beginning on page 3 of this Response.

Remarks/arguments begin on page 9 of this Response.